

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONALD L. MOSHIER , JR.,	:	CIVIL ACTION NO. 1:08-CV-0510
	:	
Plaintiff,	:	(Judge Conner)
	:	
v.	:	
	:	
FEDERAL BUREAU OF PRISONS,, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 4th day of February, 2009, upon consideration of defendants motion for summary judgment (Doc. 25), in which they seek an entry of summary judgment on the grounds that plaintiff failed to exhaust his administrative remedies, and it appearing that they have discovered that plaintiff has, in fact, exhausted his administrative remedies (Doc. 41, at 4), and seek to have their motion for summary judgment denied (Doc. 41, at 5), it is hereby ORDERED that:

1. Defendants' motion for summary judgment (Doc. 25) is DENIED.
2. Defendants shall file an answer to the complaint on or before March 2, 2009.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge